

Applicant's claims.

Looking at the prior art from the standpoint of an inventor at the time this patent application was filed, the Lee disclosure teaches a method for self-diagnosing a television receiver. This receiver starts with a power on sequence identified as S200. It then starts going through a self-diagnosis routine as S202, which is explained with reference to Figure 3. Several tests are made during the first self-diagnosis test and if the results of any one of the tests are unsatisfactory, then the Lee system produces an alarm signal at S206 and the procedure ends since apparently the television receiver does not boot up. The alarm signal at S206 causes the triggering of an alarm unit 250 shown in Figure 1. See column 3, lines 59-65. Alarm unit 250 is a simple light emitting diode or a sound producing element. See column 2, lines 60-64.

One of the problems associated with the Lee device is that a number of errors can arise during the initial power on as detected by the procedure at S202. However, all of the errors apparently produce an identical alarm given the fact that it is either a noise maker or just a simple LED.

One of the advantages of the HP MaxiLife disclosure is that the type of error which is detected is reported at an LCD device. The HP disclosure touts this as an important feature. See page 2 of the HP disclosure.

It is submitted that a person of ordinary skill in the art who was presented with the Lee disclosure and the HP disclosure would be led to replace Lee's alarm unit 250 with an LCD display and modify the routine at S202 to report the exact sort of error which has given rise to the problem. Once the Lee device has an LCD display to report problems in accordance with the HP disclosure, then it would make sense to have the second self-diagnostic (see S210, Figure 5) routine also report problems to the same LCD display so that all problems found in the Lee apparatus as modified, would be reported at the same point, namely a single LCD display in accordance with the teachings of the HP MaxiLife disclosure.

It is submitted that this is the correct way of viewing these references. That is to say, the Examiner must ignore Applicant's disclosure, turn to the prior art and see what suggestions come forward. It is submitted that the suggestion set forth above is a straight-forward view of combining the Lee and HP disclosures in a very rational way. A person viewing the Lee disclosure would not try to use an on-screen display capability for the first diagnostic test since the first diagnostic test is performed before the apparatus is turned on and before the power levels which are applied later (after the apparatus is turned on) which turn on the display and allow the on-screen display capability to come into play. Thus, in the Lee apparatus, in order to have a complete readout of all the possible errors which can arise in the diagnostics routines, it is impossible to use its on-screen display capabilities. However, a person skilled in the art would realize that using an LCD display as taught by HP would be very compatible with the low power mode of operation of Lee before it is turned on, yet it would produce the advantages of the HP disclosure in providing much more detail as to the nature of the problem which gave rise to failing the diagnostic test.

It is submitted that this is a much more sensible way of combining these two references than the combination suggested by the Examiner. Of course, the method proposed by Applicant for combining these two references does not lead at all to the Applicant's invention. The Examiner's combination of these two references is based upon the fact that he has had the privilege of reading Applicant's patent disclosure and then he has done an *ex post facto* analysis of the prior art suggesting a combination which, with all due regard to the Examiner, simply does not make sense in the context of the Lee disclosure.

It is obviously an important part of the HP MaxiLife disclosure that the LCD status panel identifies the component with the problem because this means that you can "go straight to the source of the problem and solve it..." See page 2 of the HP MaxiLife disclosure. This portion of the HP disclosure tells a reader who is familiar with the Lee patent that Lee's alarm unit 250 is exactly what you should not be doing and therefore a person of ordinary skill in the art would be led to replace it with an LCD display, which is perfectly compatible with Lee's low power mode of operation while the first

diagnostic test S202 is being run.

The Examiner must view the prior art for what it says and teaches. This teaching may be very inconvenient for the Examiner's prior art analysis, but that is because the Examiner's prior art analysis is based upon an *ex post facto* analysis of Applicant's claims as opposed to a view of what would have been obvious to a person of ordinary skill in the art as of the time the Applicant made his invention.

One additional comment is in order. In the official action, when discussing the HP MaxiLife disclosure, the Examiner alludes to "the OSD capability of said at least one display". With all due respect to the Examiner, the Examiner is reading more into the HP disclosure than is justified. Where is there any disclosure whatsoever in the HP document of any OSD capability of the LCD display?

With all due respect to the Examiner, the Examiner's error in referring to the HP MaxiLife device as having OSD capability is just indicative of the Examiner's *ex post facto* analysis of Applicant's claims.

With respect to certain ones of the claims the Examiner also cites the VESA Display Data Channel Command Interface document which the Examiner refers to simply as "VESA". In making the suggested combination discussed on page 4 of the official action, the Examiner asserts that combining the bi-directional communication capability of VESA would "maximize the reliability and system up-time." With all due respect to the Examiner, what is that assertion based upon? That assertion appears to be coming from the Examiner's own knowledge as opposed to anything in the prior art document cited by the Examiner and therefore the Examiner is requested to comply with 37 C.F.R. 1.104(d)(2) by supplying the required Affidavit. The Examiner is reminded that the motivation for making the combination suggested by the Examiner must come from the prior art and therefore the Examiner is requested to point out, with specificity, just where such motivation can be found in the prior art.

Turning to claim 6, the Examiner's analysis with respect to this claim is simply not

understood. First, it is not understood what parts of the reference the Examiner is trying to refer to. For example, at one point, the Examiner refers simply to lines 23-26. ← ty<sup>3</sup> 37 C.F.R. 1.104(c)(2) requires that the Examiner point out the part relied on "as nearly as practicable." The Examiner is respectfully requested to point out just what part of the Lee disclosure allegedly meets the first receding means limitation of claim 6.

More importantly, the Examiner's prior art analysis falls apart when analyzing the second receiving means. The Examiner asserts that Lee has "a service channel allowing interaction between said at least one display and said operating system." The problem is that claim 6 recites that "said service channel and said display are arranged to permit said independent electronic circuit to access the on-screen display (OSD) capability of said at least one display in order to display text and/or graphics independently of said processor and said operating system" [emphasis added]. The Examiner's own analysis of the Lee reference basically includes an assertion that Lee teaches away from claim 6. As such, why is claim 6 being rejected?

With respect to claim 15, the Examiner's analysis basically refers the reader back to claim 6. However, the Examiner's analysis with respect to claim 6 appears to be an admission by the Examiner that Lee teaches away from the language quoted above with respect to claim 6 and it is noted that claim 15 recites "means responsive to commands in said service channel for controlling the on-screen display capability independently of the operation of the processor and the operating system" [emphasis added]. So, based upon the Examiner's analysis of claim 6, which the Examiner incorporated into his analysis of claim 15, the Examiner's analysis includes an admission that Lee teaches away from the invention of claim 15 as opposed to teaches toward it. As such, why is claim 15 being rejected? Moreover, claim 15 also recites that the display has "one or more connectors for receiving a graphics channel comprising graphics signals generated by said graphics system and a service channel allowing interaction between said display and said operating system..." In the Examiner's analysis of claim 15, the Examiner does mention connectors where can those connectors be found in the prior art cited by the Examiner? The Examiner is reminded that it is the Examiner's obligation, in accordance with the rules of practice, to point out with specificity where